

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Deferiet Paper Mill RV4 - Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region II

Subject: **POLREP #2**
Abatement Preparation Activities
Deferiet Paper Mill RV4
A26F
Deferiet, NY
Latitude: 44.0389693 Longitude: -75.6816924

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From: Joel Petty, On-Scene Coordinator
Date: 4/20/2021
Reporting Period: 1/1/21 - 4/16/21

1. Introduction

1.1 Background

| | | | |
|----------------------------|---------------|--------------------------------|----------------|
| Site Number: | A26F | Contract Number: | 68HE0220D0003 |
| D.O. Number: | 68HE0220F0061 | Action Memo Date: | 8/26/2020 |
| Response Authority: | CERCLA | Response Type: | Time-Critical |
| Response Lead: | EPA | Incident Category: | Removal Action |
| NPL Status: | Non NPL | Operable Unit: | |
| Mobilization Date: | 10/14/2020 | Start Date: | 10/14/2020 |
| Demob Date: | | Completion Date: | |
| CERCLIS ID: | NYD002229169 | RCRIS ID: | |
| ERNS No.: | | State Notification: | |
| FPN#: | | Reimbursable Account #: | |

1.1.1 Incident Category

A time-critical removal action is warranted to mitigate the release of asbestos and the threat of future releases at and from the Site.

1.1.2 Site Description

The Site is the location of the former Deferiet Paper Mill which began operations in 1899. The facility is no longer operational, however, there is an adjacent, operational hydroelectric power plant operated by Brookfield Renewable Energy Partners LP or Brookfield Renewable Power, Inc. (collectively "Brookfield") which is physically adjoined to portions of on-site buildings (sulfite room, beater room, and electrical room).

The historic facility encompassed approximately 48 acres with a series of buildings that housed the former

paper mill and hydroelectric power plant. The original mill manufactured paper of varying types, including newsprint and glossy magazine paper. The hydroelectric power plant was built by the mill to generate steam which supplied electrical power for the machinery as well as the facilities. The paper mill has been abandoned since the mid-2000s and, with the exception of the power plant, is in a severe state of disrepair.

In 2006, the property was auctioned off to Deferiet Development, LLC (Deferiet Development). Deferiet Development purchased the Site for the purpose of recovering steel, brass and other metals. In the process of recovering metal, Deferiet Development also dismantled and/or damaged portions of many of the on-site buildings. This included dismantling of the overhead, exterior steam pipes between the machine rooms and boiler room, leaving pipe insulation with friable asbestos exposed to the elements. These two buildings flank an easement utilized daily by Brookfield employees to reach the main access point for the power plant. Brookfield employees were concerned because of potential exposure to friable asbestos whenever they accessed the easement. Brookfield raised their employees concerns to Jefferson County officials. In December 2015, Jefferson County requested the assistance of EPA to evaluate the area for suspect asbestos-containing material (SACM).

1.1.2.1 Location

The Site is located at 400 Anderson Avenue (44.03918056°, -75.68388889°) in the Village of Deferiet, Jefferson County, New York 13628-0040, and consists of one parcel (Lot 67) of the abandoned paper mill. The original Deferiet Paper Mill encompassed several contiguous parcels of land bisected by the Niagara Mohawk Power Canal (Power Canal), a diverted portion of the Black River. While the original Deferiet Paper Mill parcels measure approximately 128.5 acres combined, the Site property is considered to be only Parcel #66.82-1-67, which is west of the Power Canal. The hydropower plant operated by Brookfield is situated on the Power Canal, adjacent to the Site, and measures approximately 0.5 acres.

The Site is surrounded by residential properties to the north, west, and south, and the Power Canal to the east. Approximately 200 people live within a quarter mile of the Site.

1.1.2.2 Description of Threat

There is an ongoing release of friable asbestos-containing material (ACM) at the Site. Asbestos is designated as a CERCLA hazardous substance under 40 CFR Table 302.4 when friable. Friability is the ease with which a material can be crumbled, pulverized or reduced to powder when dry, by applying hand pressure. The degree of friability of the ACM determines the potential for fibers to be released into the air. Analysis of samples collected from the Site has identified friable asbestos present in the alleyway traversed by Brookfield personnel to access their hydroelectric building. Friable asbestos is also present throughout site buildings and is exposed to the elements as many of the buildings have been partially demolished. There is a significant threat to human health for individuals who may come in direct contact with this uncontrolled release of friable asbestos. Furthermore, asbestos fibers may migrate into the surrounding areas via airborne releases, stormwater, or tracking.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

In March 2016, EPA activated and mobilized its Emergency and Rapid Response Services (ERRS) contractors to assess the situation and apply a sealant on asbestos-containing pipe insulation exposed in the alleyway, considered as RV1 removal activities, to temporarily protect Brookfield employees and the public, given that evidence of trespassing had been observed on-site. In addition, an assessment of areas outside the alleyway was recommended to determine if asbestos was present in building materials, existing debris piles, partially demolished structures, equipment, and other locations at the Site. RV1 removal activities were completed on August 30, 2016.

On June 6, 2017, EPA and its Removal Support Team [RST; now the Superfund Technical Assessment and Response Team (START)] contractors surveyed the Site with personnel from Brookfield. All buildings that were part of the historic Deferiet Paper Mill (to the west of the Power Canal) were observed to be vacant and abandoned. Several structures were partially demolished, had been allowed to fall into disrepair and were impacting the structural integrity of the hydropower plant. Many building facades were observed to have openings likely from the extraction of large equipment that may have been sold or scrapped. SACM was observed to be exposed to weather conditions, damaged, hanging from numerous structures including equipment and piping, and present on various surfaces and in the interior and exterior of the structures. While fencing was observed to be in place along the western perimeter of the Site, portions of it appeared to be intentionally damaged by trespassers. In addition, the southern boundary of the Site appeared to be open without security measures to prevent entry. Evidence of routine and recent trespassing was observed throughout the Site, including in areas that are structurally unsound, contain SACM, and are generally unsafe for use or occupancy.

Between June 2017 and May 2018, sampling indicated the presence of asbestos in the turbine room, boiler house, machine room, wet room, beater room, electrical room, and company garage. Concentrations up to 30.8% chrysotile, 12.5% crocidolite, and 30% amosite asbestos were identified. Based upon the locations of the ACM in areas which presented physical hazards, including within deteriorating buildings, EPA began evaluating mitigation options.

In September and October 2018, Brookfield informed EPA that the encapsulant used during RV1 was continuing to deteriorate, exposing larger areas of ACM within the alleyway accessed by their personnel. In October 2018, EPA activated and mobilized ERRS contractors to apply additional sealant on asbestos-containing pipe insulation exposed in the alleyway area to temporarily protect Brookfield employees and the public. This work (RV3) was completed on October 17, 2018.

EPA and Brookfield personnel held a series of discussions on how to more permanently mitigate the threats posed by ACM within Brookfield's access alleyway and throughout the property, since the on-site buildings containing ACM continue to deteriorate rapidly and the encapsulant utilized to mitigate the threat of asbestos in the alleyway has again begun to degrade due to weathering. Complete asbestos abatement through large-scale demolition of deteriorating, open buildings containing ACM has been determined to be

impractical. EPA conducted Site visits with Brookfield personnel on October 17 and November 19, 2019. Encapsulant on pipe wrapping and other materials that EPA had installed during previous removal activities was observed to be deteriorating due to exposure to weather conditions. There was evidence of recent, frequent trespassing in buildings containing ACM and the buildings showed signs of further deterioration.

The sampling results, along with field observations made by EPA, indicate that conditions at the Site meet the criteria for a time-critical removal action under CERCLA, as documented in Section 300.415(b)(2) of the NCP.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

Analysis of samples collected from the Site identified friable asbestos present in the easement traversed by Brookfield personnel to access their hydroelectric building as well as friable asbestos throughout many of the on-site buildings. There is an ongoing potential and actual release of asbestos at the Site, which presents a significant threat to human health for individuals who may come in contact with an uncontrolled release of friable asbestos. The RV4 Action Memorandum was signed by the SEMD Division Director on August 26, 2020, which authorized funding for asbestos mitigation in areas and buildings evaluated by a structural engineer.

2.1.2 Response Actions to Date

From January 1 through March 22, 2021, EPA and ERRS were planning for site activities to commence in March 2021. ERRS was directed to prepare a Work Plan and update the Health & Safety Plan among other planning activities.

On March 23, 2021, EPA was on-site with ERRS and the structural engineer to re-evaluate the on-site buildings following the winter. The engineer determined that safe asbestos abatement could still occur and an updated Structural Integrity Assessment report was prepared.

On March 24, 2021, EPA conducted a pre-bid site walk with ERRS and potential subcontractors for Project Design and 3rd Party Air Monitoring services. The subcontract was awarded to Paradigm Environmental Services (Paradigm). In addition a sample was collected from the coal-like waste pile on the 2nd floor of the boiler house that is obstructing access to ACM to be removed. The sample results showed that the material had low levels of PAHs and an acidic pH but did not meet the definition of a RCRA hazardous waste. The coal-like material will be moved out of the way but not removed from the Site.

From April 12 - 14, 2021, EPA and ERRS were on site preparing the Site for removal activities. Site support infrastructure was mobilized to the Site throughout the course of the week. On April 12, 2021, ERRS cleared areas for the placement of trailers and roll-off containers and began preparing the garage for abatement activities. An access point to the 3rd and 4th floor of the boiler house was identified and additional SACM materials were located, including large SACM-jacketed boilers. Samples will be collected from SACM in this area to determine if asbestos abatement is warranted.

EPA conducted a conference call with NYSDOL on April 12, 2021, in which the details of the removal were discussed. On April 14, 2021, the project design and requested variances were submitted to NYSDOL. On April 16, 2021, EPA received approval for the project by NYSDOL. In addition, the OSC submitted the notification form to the Air Compliance Branch for NESHAP compliance and notified the Village of Deferiet and Brookfield on the anticipated start date of abatement activities.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

EPA has identified Deferiet Development LLC as the owner of the facility. Representatives of the property owner have declined to perform the necessary removal activities at the Site.

2.1.4 Progress Metrics

| <i>Waste Stream</i> | <i>Medium</i> | <i>Quantity</i> | <i>Manifest #</i> | <i>Treatment</i> | <i>Disposal</i> |
|----------------------------|----------------------|------------------------|--------------------------|-------------------------|------------------------|
| | | | | | |
| | | | | | |
| | | | | | |

2.2 Planning Section

2.2.1 Anticipated Activities

Under RV4, EPA has evaluated each building and area on the Site for asbestos mitigation activities. Asbestos mitigation activities will include abatement, encapsulant, and site security measures.

2.2.1.1 Planned Response Activities

EPA will begin asbestos abatement in buildings/areas on-site where it has been determined that work can safely be conducted.

2.2.1.2 Next Steps

EPA will begin asbestos mitigation activities the week of April 19, 2021. Abatement will begin in the garage and then will move to the alleyway/easement and the electrical room.

2.2.2 Issues

There are no issues at this time.

2.3 Logistics Section

All logistics will be handled and monitored by the appropriate contractor or agency.

2.4 Finance Section

2.4.1 Narrative

On August 26, 2020, the SEMD Director approved an Action Memorandum for RV4 for the amount of \$1,244,000, of which \$1,017,000 is for mitigation contracting.

Estimated Costs *

| | Budgeted | Total To Date | Remaining | % Remaining |
|---------------------------|-----------------------|--------------------|-----------------------|---------------|
| Extramural Costs | | | | |
| ERRS - Cleanup Contractor | \$1,017,000.00 | \$15,861.19 | \$1,001,138.81 | 98.44% |
| TAT/START | \$20,000.00 | \$0.00 | \$20,000.00 | 100.00% |
| Intramural Costs | | | | |
| | | | | |
| Total Site Costs | \$1,037,000.00 | \$15,861.19 | \$1,021,138.81 | 98.47% |

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

2.5 Other Command Staff

2.5.1 Safety Officer

The EPA OSC is in charge of overall safety at the Site. The ERRS RM has been designated as the Site safety officer. A Health and Safety Plan was generated by ERRS.

2.5.2 Liaison Officer

The EPA OSC is performing the activities of a Liaison Officer. The OSC is coordinating operations between the ERRS contractor(s) and the local officials. Meetings with Village Officials and the public will be coordinated with the OSC.

2.5.3 Information Officer

Michael Basille is the designated Community Involvement Coordinator for the Site and can be reached at 7165514410.

3. Participating Entities

3.1 Unified Command

Unified Command has not been set up for this site.

3.2 Cooperating Agencies

NYSDDL, NYSDEC, Jefferson County, and the Village of Deferiet

4. Personnel On Site

March 23, 2021

EPA: 2

2 OSCs

ERRS: 7

1 Response Manager

1 H&S Officer

1 FCA

2 Bronze Team Subs

2 Subcontracted for Engineering Evaluation

March 24, 2021

EPA: 2

2 OSCs

ERRS: 4

1 Response Manager

1 H&S Officer

1 FCA

1 Subcontractor

April 12, 2021

EPA: 2

2 OSCs
ERRS: 8
1 Response Manager
1 Equipment Operator/Foreman
4 Laborers
2 Subcontractors

April 13 & 14, 2021

EPA: 2
2 OSCs
ERRS: 1
1 Response Manager

5. Definition of Terms

ACM - Asbestos-containing Materials
CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act
ERRS - Emergency and Rapid Response Services
NCP - National Contingency Plan
NESHAP - National Emission Standards for Hazardous Air Pollutants
NPL - National Priorities List
NYSDEC - New York State Department of Environmental Conservation
NYSDOH - New York State Department of Health
NYSDOL - New York State Department of Labor
OSC - On-Scene Coordinator
PAH - Polycyclic Aromatic Hydrocarbon
PCM - Phase Contrast Microscopy
PLM - Polarized Light Microscopy
RCRA - Resource Conservation and Recovery Act
RM - Response Manager
RST - Removal Support Team
RV1 - Removal Action 1
RV2 - Removal Action 2
RV3 - Removal Action 3
RV4 - Removal Action 4
SACM - Suspect Asbestos-containing Materials
SEMD - Superfund and Emergency Management Division
START - Superfund Technical Assessment and Response Team
TEM - Transmission Electron Microscopy

6. Additional sources of information

6.1 Internet location of additional information/report

https://response.epa.gov/DeferietPaperMill_RV4

6.2 Reporting Schedule

There is no additional information to report at this time.

7. Situational Reference Materials

No situational reference materials at this time.